

§ 17.85

(5) Are habituated to humans, human residences, or other facilities.

Public land means land under administration of Federal agencies including, but not limited to the National Park Service, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Department of Energy, and Department of Defense; and State-owned lands within the boundary of a designated wolf recovery area. All State-owned lands within the boundary of the experimental population area, but outside designated wolf recovery areas, will be subject to the provisions of this rule that apply to private lands.

Rendezvous site means a gathering and activity area regularly used by a litter of young wolf pups after they have emerged from the den. Typically, the site is used for a period ranging from about one week to one month in the summer. Several sites may be used in succession.

Secondary recovery zone means an area adjacent to a primary recovery zone in which the Service allows released wolves to disperse, where wolves captured in the wild for authorized management purposes may be translocated and released, and where managers will actively support recovery of the reintroduced population.

Take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532(19)). Also, see definitions of "harass", "opportunistic, noninjurious harassment", and "unavoidable and unintentional take."

Unavoidable and unintentional take means accidental, unintentional take (see definition of "Take") which occurs despite reasonable care, is incidental to an otherwise lawful activity, and is not done on purpose. Examples would be striking a wolf with an automobile and catching a wolf in a trap outside of known occupied wolf range. Taking a wolf with a trap, snare, or other type of capture device within occupied wolf range (except as authorized in paragraph (k)(3)(ix) and (x) of this section) will not be considered unavoidable, accidental, or unintentional take, unless due care was exercised to avoid taking a wolf. Taking a wolf by shooting will not be considered unavoidable, acciden-

50 CFR Ch. I (10–1–98 Edition)

tal, or unintentional take. Shooters have the responsibility to be sure of their targets.

Wolf recovery area means a designated area where managers will actively support reestablishment of Mexican wolf populations.

[49 FR 35954, Sept. 13, 1984, and 50 FR 30194, July 24, 1985, as amended at 51 FR 41797, Nov. 19, 1986; 52 FR 29780, Aug. 11, 1987; 53 FR 29337, Aug. 4, 1988; 53 FR 37580, Sept. 27, 1988; 54 FR 43969, Oct. 30, 1989; 56 FR 41488, Aug. 21, 1991; 58 FR 5657, Jan. 22, 1993; 58 FR 52031, Oct. 6, 1993; 59 FR 42711, 42714, Aug. 18, 1994; 59 FR 60279, Nov. 22, 1994; 60 FR 18947, Apr. 13, 1995; 61 FR 11332, Mar. 20, 1996; 61 FR 54057, Oct. 16, 1996; 62 FR 38939, July 21, 1997; 63 FR 1763, Jan. 12, 1998; 63 FR 52837, Oct. 1, 1998]

§ 17.85 Special rules—invertebrates. [Reserved]

§ 17.86 Special rules—plants. [Reserved]

Subpart I—Interagency Cooperation

§ 17.94 Critical habitats.

(a) The areas listed in § 17.95 (fish and wildlife) and § 17.96 (plants) and referred to in the lists at §§ 17.11 and 17.12 have been determined by the Director to be Critical Habitat. All Federal agencies must insure that any action authorized, funded, or carried out by them is not likely to result in the destruction or adverse modification of the constituent elements essential to the conservation of the listed species within these defined Critical Habitats. (See part 402 for rules concerning this prohibition; see also part 424 for rules concerning the determination of Critical Habitat).

(b) The map provided by the Director does not, unless otherwise indicated, constitute the definition of the boundaries of a Critical Habitat. Such maps are provided for reference purposes to guide Federal agencies and other interested parties in locating the general boundaries of the Critical Habitat. Critical Habitats are described by reference to surveyable landmarks found on standard topographic maps of the area and to the States and county(ies) within which all or part of the Critical